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To: Microsoft ATR
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Subject: Microsoft settlement

The difficulties associated with young or nascent but exploding businesses, particularly in the field of communications where there continues an ever changing, expanding marketplace of interrelated products and services such that no "snapshot" of a "market" can sustain the test of short duration, cannot be over-estimated. And attempting to put a noose of control around a growth that will not be contained, even in a constructive way, may be more of a restraint of trade than a protection of the consumer, even competition. We need to enable the establishment of a stable market, before we seek so drastically to control its abuse, something only the marketplace can do, assisted by the normal policing for fraud and the like. For, if we don't, we will only short-circuit the progress in progress as evidenced by the growing pains brought on by new discovery and development. Desk-top operating platforms have been outgrown by the introduction and proliferation of wireless and digital technologies which now enable a portion of the desktop to be carried with an individual, no matter what his or her interest is, thereby making the market for desk-tops something hardly exclusive, which says a great deal about operating systems, the only apparent monopoly Microsoft had, and certainly, by developments since, no longer has. Look at what happened to Compact in view of the Dell approach. Given the path of technology, if its progress is not squeezed by regulatory cut off, the Microsoft advantage will be lost if it does not continue to address innovation and improvement of which its competitors are quick to take advantage. Any solution harming Microsoft's ability to provide better products and services to the communicative consumer, even at the expense of the competition, is no foul so long as the market remains as diverse as it is with the players as plentiful as they are at numerous levels which prevents the monopoly of only a segment, if indeed even that can be defined right now. Be careful that you don't short-circuit our prosperity in your endeavor to protect a "competition" which may have already succumbed to technological innovation. If the settlement can be read to agree with the foregoing, we think it a good agreement.

A victim of the abuse of competition